

REFERENCE TITLE: environmental protection; budget reconciliation

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1514

Introduced by
Senators Arzberger, Aguirre, Miranda, Mitchell

AN ACT

AMENDING SECTION 37-623.02, ARIZONA REVISED STATUTES; REPEALING LAWS 2005,
CHAPTER 332, SECTION 7; RELATING TO ENVIRONMENTAL PROTECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 37-623.02, Arizona Revised Statutes, is amended to
3 read:

4 37-623.02. **Emergencies: prohibiting fireworks; liabilities and**
5 **expenses: fire suppression revolving fund**

6 A. On request of the state forester, the governor may authorize the
7 state forester to incur liabilities for suppressing ~~wild land~~ WILDLAND fires
8 and responding to other unplanned all risk activities from unrestricted
9 monies in the state general fund whether or not the legislature is in
10 session.

11 B. The state forester shall have the authority to prohibit the use of
12 fireworks during times of high fire potential in the unincorporated areas of
13 the state.

14 C. The state forester or the state forester's designee shall review
15 all liabilities incurred and expenditures made under this section and shall
16 report the expenditures to the department of administration for audit
17 according to department of administration rules. The state forester shall
18 transmit a copy of the report to the state emergency council.

19 D. Liabilities incurred under this section are subject to the
20 following limitations:

21 1. ~~wild land~~ WILDLAND fire suppression or other unplanned all risk
22 emergency liabilities shall not exceed ~~two~~ THREE million FIVE HUNDRED
23 THOUSAND dollars of state general fund monies pursuant to subsection A of
24 this section in a fiscal year for costs associated with suppressing ~~wild land~~
25 WILDLAND fires and supporting other unplanned all risk activities such as
26 fire, flood, earthquake, wind and hazardous material responses. The state
27 forester shall not incur nonreimbursable liabilities for support of nonfire
28 all risk activities.

29 2. The governor may authorize the state forester to spend an
30 additional one million dollars of state general fund monies pursuant to
31 subsection A of this section to prepare for periods of extreme fire danger
32 and pre-position equipment and other fire suppression resources to provide
33 for enhanced initial attack on ~~wild land~~ WILDLAND fires. The governor shall
34 determine when periods of extreme fire danger exist and must approve any
35 expenditure for pre-positioning activities.

36 3. If the funding authorizations in paragraph 1 or 2 of this
37 subsection are exhausted, or if the nonreimbursable liabilities incurred
38 exceed the cash balance of the fire suppression revolving fund, the state
39 forester shall not incur additional liabilities without the consent of a
40 majority of the state emergency council as authorized by section 35-192.

41 E. No later than December 31 of each year the state forester shall
42 submit a report to the joint legislative budget committee and the governor
43 detailing the specific uses of all monies authorized to be expended from the
44 fire suppression revolving fund and any additional monies authorized by the
45 governor to prepare for periods of extreme fire danger and pre-position

1 equipment and other fire suppression resources to provide for enhanced
2 initial attack on ~~wild land~~ WILDLAND fires.

3 F. Monies received for suppressing ~~wild land~~ WILDLAND fires,
4 pre-positioning equipment and firefighting resources and other unplanned all
5 risk activities may be used for the purposes of section 37-623 and this
6 section.

7 G. The state forester shall adopt rules for administering the ~~wild~~
8 ~~land~~ WILDLAND fire suppression monies authorized under this section, subject
9 to approval of the governor.

10 H. The state forester may require reimbursement from cities and other
11 political subdivisions of this state and state and federal agencies for costs
12 incurred in the suppression of ~~wild land~~ WILDLAND fires, pre-suppression or
13 unplanned all risk activities. Reimbursement shall be based on the terms and
14 conditions in cooperative agreements, land ownership or negligence. The
15 state forester may require reimbursement from individuals or businesses only
16 for costs incurred in the suppression of ~~wild land~~ WILDLAND fires or
17 unplanned all risk activities caused by their negligence or criminal acts.

18 I. A fire suppression revolving fund is established for deposit of
19 monies received by the state forester for ~~wild land~~ WILDLAND fire suppression
20 and pre-positioning equipment and resources and for payment for activities
21 related to combating ~~wild land~~ WILDLAND fires and supporting other unplanned
22 all risk activities such as fire, flood, earthquake, wind and hazardous
23 material responses. The state forester shall not incur nonreimbursable
24 liabilities for support of nonfire all risk activities. The state forester
25 shall administer the fund, and all monies received for these activities shall
26 be deposited, pursuant to sections 35-146 and 35-147, in the fund. Monies in
27 the fire suppression revolving fund are continuously appropriated to the
28 state forester, except that if the unobligated balance of the fund exceeds
29 six hundred thousand dollars at the end of any calendar year, the excess
30 shall be transferred to the state general fund. Monies in the fire
31 suppression revolving fund are otherwise exempt from the provisions of
32 section 35-190 relating to lapsing of appropriations.

33 Sec. 2. Repeal

34 Laws 2005, chapter 332, section 7 is repealed.

35 Sec. 3. Arizona state parks board; availability of monies

36 Notwithstanding section 41-511.11, Arizona Revised Statutes, or any
37 other law, all monies are available in fiscal year 2006-2007 for the
38 operation of state parks as appropriated by the legislature in the general
39 appropriations act or for capital needs as determined by the Arizona state
40 parks board with the prior approval of the joint committee on capital review
41 to acquire and develop real property and improvements as state parks
42 consistent with the purposes and objectives prescribed in section 41-511.03,
43 Arizona Revised Statutes.

1 Sec. 4. Expenditures: state parks board: off-highway vehicle
2 recreation fund

3 Notwithstanding section 28-1176, Arizona Revised Statutes, the Arizona
4 state parks board may spend up to \$692,100 from the Arizona state parks board
5 portion of the off-highway vehicle recreation fund in fiscal year 2006-2007
6 for parks operating expenses.